

REMARKS

Claims 1-21 remain pending in the application. The Examiner has rejected claims 1-3, 5-10, 13-17, and 19-21. Claims 4, 11, 12, and 18 are objected to as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claim.

Applicant has amended Claims 1, 4-5, 8, 11, 13, 15, and 18-19. Applicant believes all claims are now in condition for allowance and respectfully requests reconsideration and withdrawal of all grounds of rejection.

Discussion of Rejections Under 35 U.S.C. 103(a).

Claims 1-3, 5-10, 13-17, and 19-21 under 35 U.S.C. 103(a) as obvious in light of identified references. In order to establish a prima facie case of obviousness, the prior art references must teach or suggest all claim limitations. Additionally, there must be some suggestion or motivation to modify the reference or combine the reference teachings. Also, there must be a reasonable expectation of success in the combination or modification. Applicant respectfully traverses the rejections because the references, either alone or in combination, fail to teach or suggest all claim limitations, and there is no motivation to modify the references in a manner that provides for the missing claimed features.

Discussion of Rejections Based On Watanabe

Claims 1-3 and 15-17 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Watanabe (U.S. Patent No. 6,044,104). The Examiner contends that Watanabe discloses all the features of claims 1 and 15, except that the Examiner concedes that Watanabe fails to disclose selecting a number of non-coherent passes. Applicant contends that Watanabe fails to teach or suggest any range of noncoherent passes, and fails to teach or suggest modifying the structure to allow for selecting a number of noncoherent passes.

Claim 1 requires a coarse search comprising "selecting a number of noncoherent passes from a range of noncoherent passes." Watanabe, as conceded by the Examiner, fails to discuss selecting a number of non-coherent passes. Watanabe fails to disclose or even suggest having a range of noncoherent passes. The Examiner contends "that the integration time and cell search cycle would affect a number of non-coherent passes." Applicant respectfully disagrees since the number of noncoherent passes is independent of the integration time.

Watanabe fails to disclose or even discuss a number of noncoherent passes, and also fails to disclose how integration time or cell search cycle are in any way related to a number of noncoherent passes. Watanabe does not suggest that integration time and cell search cycle are varied in relation to a number of noncoherent passes. Indeed, Figure 3(b) of Watanabe shows a cell search cycle with a period of nonoperation and makes no mention of any selection of a number of noncoherent passes or whether the number of noncoherent passes can differ from the embodiment shown in Figure 3(a) where there is no period of nonoperation. Thus, Watanabe fails to disclose a feature of claim 1 and provides no suggestion to modify the disclosure to provide the claimed feature.

Claim 1 also requires a coarse search comprising "selecting an integration interval from a plurality of predetermined integration intervals." Watanabe similarly fails to even discuss a plurality of predetermined integration intervals that are available for the coarse search. Watanabe thus also fails to disclose this feature of claim 1.

Claim 15 includes features similar to those discussed in relation to claim 1, and is believed to be allowable for the same reasons provided above for claim 1. Claims 2-3 and 16-17 depend from one of claims 1 or 15 and are thus allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and withdrawal of the rejection based on Watanabe

Discussion of Rejections Based On Watanabe in View of Byun

Claims 5-10, 13-14, and 19-21 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Watanabe in view of Byun (U.S. Patent No. 6,445,728).

Claim 5 includes "selecting a number of noncoherent passes from a range of noncoherent passes, and selecting an integration interval from a plurality of predetermined integration intervals." As discussed above in relation to claim 1, Watanabe fails to teach or suggest these claimed features. Byun also fails to teach or suggest the claimed features. Byun discloses a manner of determining a searcher window size and does not discuss integration intervals nor noncoherent passes. Neither Watanabe nor Byun provides any motivation to modify the teachings to provide the claimed features.

Claims 8, 13, 15, and 19 include similar features, and thus, are allowable for the same reasons provided above in relation to claims 1 and 5. Claims 6-7, 9-10, 16-17, and 20-21

depend, either directly or indirectly from one of claims 5, 8, 13, 15, or 19 and are believed to be allowable at least for the reason that they depend from an allowable base claim.

Claim 14 includes "selecting an integration interval to be within a range of 0.1 to 0.06 milliseconds." The Examiner contends that selection of such a range is a matter of design choice. However, neither Watanabe nor Byun provide any indication as to an acceptable range for an integration interval. The Examiner has not provided any suggestion or motivation to use the claimed integration interval. Watanabe discusses a short integrating time but provides no indication as to what is meant by a short time. Applicant respectfully requests that the Examiner provide a reference to show that the claimed range is within the range of design choices, and to provide the motivation to use the claimed range within the apparatus of Watanabe. Applicant respectfully believes claim 14 is allowable because Watanabe and Byun, either alone or in combination, fail to teach or suggest every claimed feature.

Applicant respectfully requests reconsideration and withdrawal of the rejections to claims 5-10, 13-14, and 19-21. The references, either alone or in combination, fail to disclose at least one feature of each of the claims.

Discussion of Objected to Claims

The Examiner objected to claims 4, 11, 12, and 18 as dependent from a rejected base claim but otherwise allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Applicant has amended claims 4, 11, and 18 to include all of the limitations of the base claim. There were no intervening claims. Claim 12 depends from claim 11 and is believed in light of the amendment to claim 11. Applicant respectfully requests allowance of claims 4, 11, 12, and 18.

Attorney Docket No. 990253


CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (858) 845-8450.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Date: 9/2/04

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